[28th January 1931

specifying in each case the period of imprisonment awardable apart from the Borstal Act and the period of detention in the borstal school ordered instead ; and

(*d*) whether the Government contemplate taking any, and if so, what action by way of suspending, remitting or altering the sentences passed under the Borstal Act in the cases referred to in (*a*) and (*c*)?

A.—(*a*) & (*b*) In connexion with the order of detention in a borstal school passed on three adolescent offenders in the Nellore district who were connected with the Civil Disobedience movement, the Government obtained the opinion of the Advocate-General as to the correct interpretation that should be placed on section 8 of the Madras Borstal Schools Act. The Advocate-General has given it as his opinion that the foundation of the jurisdiction of the Court to pass a sentence of detention in a borstal school in lieu of a sentence of imprisonment is that the Court must be satisfied that the adolescent offender is a person of criminal habits or tendencies or is associating with persons of bad character. The Advocate-General's opinion was communicated to all the officers concerned, including District Magistrates and Sessions Judges on 29th November 1930.

(*c*) No.

(*d*) The question is under consideration.

Mr. K. R. Venkatarama Ayyar :—"May I know with reference to the answer given to clause (*c*), whether the Government have not thought it advisable that for their own guidance they must have a list of cases referred to in clause (*a*)?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—"The District Magistrates have been asked to deal with these cases and have been asked to furnish Government with all the information available and when that information reaches the Government they will place on the table a list of such cases as the hon. Member wants."

Mr. K. R. Venkatarama Ayyar :—"Does not the hon. Member realize that as such sentences in the cases as would be affected by the Advocate-General's opinion are illegal, and it is now more than 3½ months since the opinion was received, the Government have been cogitating too long over the matter?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—"Government have asked the District Magistrates to consider each case on its own merits and they must have time to examine them."

Application of the Borstal Act to satyagrahi prisoners.

* 168 Q.—Mr. Sami Venkatachalam Chetti : Will the hon. the Law Member be pleased to state—

(*a*) when the opinion of the Advocate-General that the Borstal Act cannot be applied to satyagrahi prisoners was received ;

(*b*) whether the opinion has been circulated to Magistrates, and if so, when ; and

(*c*) in how many cases the Borstal Act was applied to satyagrahi prisoners during the interval?

28th January 1931]

A.—(*a*) & (*b*) The hon. Member is referred to the answer to clauses (*a*) and (*b*) of question No. 167. The Advocate-General's opinion was received on 14th October 1930.

(*c*) The Government have no information.

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" With reference to answer to clause (*c*) the Government say they have no information. As I understood from the reply of the hon. the Law Member, he said that the information has been called for and the report has been collected. May I know whether the information has been received ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No, Sir."

Application of the Borstal Act to boys convicted for political offences.

* 169 *Q.*—Mr. U. C. SUBRAHMANYA BHATT : Will the hon. the Law Member be pleased to state what action the Government have taken or propose to take in the matter of the application of the Borstal Act to boys convicted for political offences not involving moral turpitude ?

A.—The hon. Member is referred to the answer to question No. 167.

Panchayat Courts

Opening of a village panchayat court in Ellutla.

* 170 *Q.*—Mr. C. R. PARTHASARATHI AYYANGAR : Will the hon. the Law Member be pleased to state—

(*a*) whether the Government have accorded sanction to open a village panchayat court in Ellutla, Vayalpad taluk, Chittoor district, and if not, why not ;

(*b*) whether the majority of the residents are in favour of the proposal ;

(*c*) whether a meeting was held in the village by the Collector of Madanapalle in response to a mahazar signed by a large number of residents of the village to constitute a panchayat ;

(*d*) how many assembled there were in favour of and against the formation ; and

(*e*) whether the Government will be pleased to lay on the table the report of the Collector of the district regarding the opening of the panchayat court ?

A.—(*a*) to (*e*) The Government have not received any proposal from the Collector on the subject.

Mr. C. R. PARTHASARATHI AYYANGAR :—" Is it not a fact that a meeting was held at Ellutla and that the majority of the people of that place were in favour of opening a panchayat court there ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As I said, we have not received information from the Collector. There is no report from the Collector. "

Mr. C. R. PARTHASARATHI AYYANGAR :—" Was there not a meeting held ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" That is exactly what I said. The Collector has not made any report. The Government do not know anything as to whether a meeting was held or not. "